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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,978	04/12/2001	Jerry A. Jenks	698	2070

7590 06/12/2002
Law Offices of John D. Gugliotta, P.E., Esq.
202 Delaware Building
137 South Main Street
Akron, OH 44308

EXAMINER

LUEBKE, RENEE S

ART UNIT PAPER NUMBER

2833

DATE MAILED: 06/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/833,978

Applicant(s)

JENKS

Examin r

Renee S. Luebke

Art Unit

2833

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____.

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

2. The drawings are objected to because:

a. The "section" view shown in Fig. 2 cannot show the top of the actuator 42 and cut walls of the housing 12.

b. Fig. 3 appears to contradict the specification in that contact 46 does not appear capable of bridging the terminals to complete the circuit and contact 48 is not urged against the body 44.

c. Insulating materials, especially receptacle 16, should be properly crosshatched in the section views.

Proposed drawing corrections or corrected formal drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The disclosure is objected to because:

It contains many typographic and grammatical errors.

The statement on page 6, lines 10-12 implies that a single bridging contact 46 comes in contact with both receptacle terminals. It would appear that such an arrangement would short out any device attached thereto.

Contrary to page 6, line 11, contact 48 does not appear to be "spring urged against on side of body 44."

There appears to be confusion between the receptacle 16 shown in Fig. 1 which is part of the housing and receptacle connectors 16 (page 6, line 11) which apparently are part of the conductive circuit.

Appropriate corrections are required.

4. Claims 2-12 are objected to because of the following informalities:

a. On line 6 of claim 2, it appears that -a- should be inserted before *switch*.

b. On line 7 of claim 2, it appears that "an" should be inserted after *close*.

c. On line 5 of claim 10, it appears that -end- should be inserted after *first*.

d. On the penultimate line of claim 12, it appears that *effected* should be changed to -affected-.

Appropriate corrections are required.

5. Claims 1 and 6-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 lacks antecedent basis for "the disconnection" on line 1, "the plug" and "the receptacle" on line 2, and "the connection" on lines 5-6.

Contrary to claim 1, lines 6-7, the receptacle does not remain "in electrical continuity" with the plug if the present device comprises a switch therebetween.

The term "approximately" in claim 6 is a relative term, which renders the claim indefinite. The term "approximately" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

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Claim 7 lacks antecedent basis for "said switch means" on line 1.

Claim 8 lacks antecedent basis for "the upper portion" on lines 2-3.

Contrary to line 2 of claim 8, the surfaces of the actuator do not acutely intersect since the angle of intersection is greater than 90°.

The meaning of the section of claim 10 on lines 5-7 is unknown.

Claim 12 lacks antecedent basis for "said switching means" on lines 3-4.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Osika. This switch comprises a plug 24 at one end, a receptacle for plug 79 at the other end, and a rocker switch 18 allowing the user to interrupt electrical continuity as claimed.

9. Claims 2-4, 6, 7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Freeman. This switch comprises a housing 22 a pair of male blade connectors 17, 18, female receptacle connectors 19, 20, and a switch 41, 36, etc. accessible through the top surface. In regard to claim 6, based on the standards of such receptacles, etc. the housing of Freeman appears to

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comprise the approximate dimensions claimed. In regard to claim 9 this switch comprises a cam-shaped arcuate body at the lower end of members 37.

10. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman in view of Osika. Freeman lacks ground terminals since they were not common at the time. However, ground prongs are now common. As shown by Osika, they are known to be used on devices similar to that of Freeman as a matter of safety to the user of the circuit. For this reason, it would have been obvious to include a ground prong and ground receiving receptacle on the device of Freeman as taught by Osika. In regard to claim 12, it is noted that the ground prong and receptacle of Osika are not affected by the switching means.

11. Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman in view of Lockard (see Fig. 3). Lockard comprises a slightly different rocker switch from that shown by Freeman. The switch of Lockard comprises flat actuation surfaces that intersect in the same manner as the present invention, a cam shaped arcuate body 22a, a first contact 62 supported on the body, and a second contact 48a. To use this known arrangement in place of that of Freeman is seen to have been an obvious alternative since such an arrangement requires fewer parts and therefore less cost and assembly steps.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The connector of Hopgood comprises a rocker switch to operate in the same manner as the present invention.

13. **Any response to this action may be mailed to:**
Assistant Commissioner for Patents
Washington, DC 20231

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or faxed to:

(703) 872-9318 or 308-7722 or 308-7724

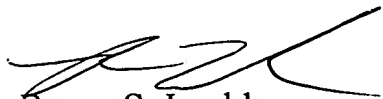
(informal or draft communications should be clearly labeled
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

Crystal Plaza 4, Fourth Floor (Receptionist)
2201 South Clark Place, Arlington, Virginia.

14. Any inquiry concerning this communication from the examiner should be directed to Mrs. Renee Luebke whose telephone number is (703) 308-1511.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mrs. Paula Bradley, can be reached at (703) 308-2319.



Renee S. Luebke
Primary Patent Examiner
June 10, 2002